



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,221	08/19/2002	Sunao Takatori	3552/OK334US0	9612
7590 Darby & Darby 805 Third Avenue New York, NY 10022			EXAMINER LE, CANH	
			ART UNIT 2139	PAPER NUMBER
			MAIL DATE 07/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/070,221

Applicant(s)

TAKATORI ET AL.

Examiner

Canh Le

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 6,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/27/2002</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the application filed on 08/19/2002. Claims 1-10 are pending and have been examined.

Specification

The disclosure is objected to because of the following informalities:

There are some abbreviations that do not spell out the expression the first time it is used. An abbreviation should spell out the expression the first time it is used and then be followed by parentheses. Some abbreviations can be found in the abstract such as BS, PD1, SP1, SP2 and some in the specification such as CATV in paragraph [0046], PD2 in paragraph [0050], MEM1 in paragraph [0056], TG1 and TG2 in paragraph [0083]. Appropriate correction is required.

Claim Objections

Claims 6 and 9-10 are objected to because of the following informalities: These claims recite limitation "first" and "third" but there is no "second" in these claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 4, 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation:

"the collation information" on line 2,
"the person", on line 3,
"the request information", on line 5,
"the reception", on line 8,
"the authentication", on line 11.

There are insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation:

"the ID information", on line 1,
"the user", on line, line 2,
"or the information regarding personal attributes", line 3.

There are insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation:

"the past service", on line 2,
"the authentication level", on line 4,
"the collation result", line 5.

There are insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation:

“the request information”, on line 2,
“the information regarding the authentication from the host computer”, on line 3,
“the reception”, on line 9.

There are insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation:

“the fourth transmitting”, on line 1,
“the service equipment”, on line 4.

There are insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation:

“the type requested”, on line 4,
“the service equipment”, on line 4.

There are insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation:

“the computer”, on line 1,
“the requested information”, on line 4,
“the authentication”, line 5,
“the host computer”, on line 6,
“the first storage”, on line 10,
“the reception”, on line 11.

There are insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation:

“the request information”, on line 5,

“the authentication”, on line 6. There are insufficient antecedent basis for this limitation in the claim.

Claim 8 recites, “the authentication of the type” where its meaning is unclear. This ambiguity renders claim 8 indefinite. For exam purpose, The Examiner interprets “the authentication of the type” as “the authentication”.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukai Shuichi al et. (JP 2000-92236).

As per claim 6:

Schuichi teaches a mobile communication apparatus comprising;

(a) third receiving means for receiving the request information for requesting the information regarding the authentication from the host computer [par. [003]; “the provider of whom connection was required demands transmission of a user ID from a communication terminal first. A communication terminal transmits a user ID to a provider to the demand”].

(b) first storage means for storing the information regarding the authentication [par. [003]; “A communication terminal transmits a user ID to a provider to the demand”; It is inherent that communication terminal stores user ID in a memory before transmitting user ID to a provider]; and

(c) transmitting means for transmitting the information regarding the authentication stored in said first storage means to said host computer in response to the reception of the request information by said third receiving means [par. [003]; “A communication terminal transmits a user ID to a provider to the demand”].

As per claim 7:

Schuichi further teaches mobile communication apparatus according to claim 6, comprising the fourth transmitting means for transmitting the information regarding the authentication to the service equipment [par. [006]-[007]; “Moreover, invention according to claim 9 data in the information service equipment which transmits through a communication line to the attested communication terminal [connection request / from said communication terminal] It is characterized by having a terminal specific information receiving means to receive the terminal specific information which specifies the communication terminal concerned, and the authentication means which attests whether said connection request is recognized based on said terminal specific information which received”].

As per claim 8:

Art Unit: 2139

Schuichi further teaches the mobile communication apparatus according to claim 6, wherein said third transmitting means selectively transmits the information regarding the authentication of the type requested by said request information to said host computer [par. [003]; **“A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously”**].

As per claim 9:

Claim 9 is essentially the same as claim 6 except that it set forth the claimed invention as a program allowing the computer to function as mobile communication apparatus and rejected under the same reasons as applied above.

As per claim 10:

Claim 10 is essentially the same as claim 6 except that it set forth the claimed invention as a storage medium and rejected under the same reasons as applied above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2139

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuo Tara (JP 2000-76336) in view of Fukai Shuichi et al. (JP 2000-92236).

As per claim 1:

Tara teaches a host computer comprising;

(a) first receiving means for receiving the collation information for requesting an authentication of the person himself from service equipment [par. [0024], “**The electronic banking authorization system 1-7 receives each authentication request demand from two or more Electronic Commerce Technology Division service provider equipment 1-6. It has the function to perform authentication for electronic banking alone about a user, and functions as an authentication center intensively prepared to two or more Electronic Commerce Technology Division service providers**”; **Electronic Commerce Technology Division service provider is equivalent to service equipment**].

(b) second transmitting means for transmitting the request information for requesting the information regarding an authentication to a user terminal in response to the reception of the collation information by the first receiving means [par. [0012]; “**A means to ***** a user terminal through a public network based on this user**”

identifier, and to receive the secrecy information of the user for electronic banking directly through this public network from a user terminal”];

(c) second storage means for storing the information regarding the authentications for a plurality of persons [par. [0014], “moreover, / said electronic banking authorization system / section / which memorizes the subscriber information of the user who registered with this electronic banking authorization system beforehand, and the Electronic Commerce Technology Division service provider / subscriber database storage] It has the transaction database storage section which memorizes the order data of Electronic Commerce Technology Division sent and received between a user terminal and Electronic Commerce Technology Division service provider equipment”];

(d) second receiving means for receiving the information regarding the authentication from said user terminal [par. [0012]; “A means to ***** a user terminal through a public network based on this user identifier, and to receive the secrecy information of the user for electronic banking directly through this public network from a user terminal”];

(e) collating means for collating the information regarding the authentication received by said second receiving means with the information regarding the authentication stored in said second storage means [par. [0078]; “Furthermore, in order that an electronic banking authorization system may perform his identification by calling back the Electronic Commerce Technology Division service user based on the subscriber information memorized by the database

storage section, the Electronic Commerce Technology Division service provider side and the user side -- him -- necessity of the special authentication equipment for identification cannot be carried out, but simple composition can perform his identification, and trouble generating of an unjust claim of the charge by a user's malpractice etc. can be prevented"]; and

(f) first transmitting means for transmitting the authentication information for authenticating the person himself to said service equipment in response to the collating result by said collating means [par. [0012]; **"A means to ***** a user terminal through a public network based on this user identifier, and to receive the secrecy information of the user for electronic banking directly through this public network from a user terminal, A means to transmit the secrecy information of the this user who received to a credit card settlement system, and to receive the authentication result data about this user's secrecy information from a credit card settlement system, It has a means to transmit this authentication result data to said Electronic Commerce Technology Division service provider equipment""]].**

Tara does not explicitly teach about a mobile communication apparatus.

However, Schuichi teaches:

(b) second transmitting means for transmitting the request information for requesting the information regarding an authentication to a mobile communication apparatus in response to the reception of the collation information by the first receiving

means **[par. [003]; “Specifically, the provider of whom connection was required demands transmission of a user ID from a communication terminal first”]**.

(d) second receiving means for receiving the information regarding the authentication from said mobile communication apparatus **[par. [003]; “Specifically, the provider of whom connection was required demands transmission of a user ID from a communication terminal first. A communication terminal transmits a user ID to a provider to the demand”; communication terminal is equivalent to mobile device]**.

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to modify the system of Tara of the invention by including the step of Schuichi because it would allow a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously **[Schuichi, par. [0003]]**.

As per claim 2:

Schuichi further teaches the host computer according to claim 1, wherein said the information regarding the authentication is the ID information of the user or the information regarding personal attributes **[par. [003]; “A communication terminal transmits a user ID to a provider to the demand. A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing**

Art Unit: 2139

whether the transmitted password is a password corresponding to the user ID transmitted previously”; fig. 1, a communication terminal is a mobile device 100].

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuo Tara (JP 2000-76336) and Fukai Shuichi et al. (JP 2000-92236) in view of Watanabe Schunichi (JP 06-215009).

As per claim 3:

Tara and Schuichi do not teach, “the host computer according to claim 1 or 2, wherein said first receiving means receives the information regarding the services provided from service equipment, and said host computer further comprises authentication selection means for selecting the authentication level according to the information regarding said services”

However, Schunichi teaches the host computer according to claim 1 or 2, wherein said first receiving means receives the information regarding the services provided from service equipment, and said host computer further comprises authentication selection means for selecting the authentication level according to the information regarding said services [claim 1, claim 2; par. [005]; “The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the

Art Unit: 2139

card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”; authentication level can be amount of money purchases exceeding the limit setup beforehand].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to modify the system of Tara and Schunichi of the invention by including the step of Schunichi because it would allow a card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer **[Schunichi, par. [005]]**.

As per claim 4:

Schunichi further teaches the host computer according to claim 3, wherein said authentication selection means collates the past service providing history with the services to be provided at present and selects the authentication level based on the collation result **[par. [005]; “The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”]**.

Art Unit: 2139

As per claim 5:

Schunichi further the host computer according to claim 3, wherein said authentication selection means selects the authentication level based on at least any one of costs of services, service providing areas, service provided frequency and a total sum of money for the services provided [par. [005]; **"The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer"**].

Conclusion

The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

US 7050993 B1 to Piikivi; Lauri et al.

US 7110987 B2 to Engelhart; Robert L.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380.


Art Unit: 2139

The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Canh Le

June 26, 2007


TAGHI ARANI
PRIMARY EXAMINER
6/29/07